

AGRICULTURE AND LAND STEWARDSHIP DEPARTMENT[21]

Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code sections 214.10, 214A.2 and 215.24, the Department of Agriculture and Land Stewardship hereby gives Notice of Intended Action to amend Chapter 85, “Weights and Measures,” Iowa Administrative Code.

The proposed amendments would allow gasoline which contains greater than 10 percent ethanol by volume and up to 15 percent ethanol by volume (E-15) to be sold from the same hose as other registered gasoline products. The “for flex fuel only” sticker would no longer be required on pumps using this E-10. Pumps with ethanol classified as higher than E-10 would be required to have the federal sticker identifying the fuel as up to 15 percent ethanol for use only in flex-fuel vehicles and model year 2001 and newer passenger vehicles. The octane rating of fuel could be posted once the testing form is approved for ethanol fuel classified as higher than E-10 and up to E-15. The Department does not intend to finalize action on the proposed amendments until gasoline that contains greater than 10 percent ethanol by volume and up to 15 percent ethanol by volume (E-15) becomes a registered fuel with the EPA.

Any interested persons may make written comments or suggestions on these proposed amendments on or before 4:30 p.m. on October 11, 2011. Written comments should be sent to Margaret Thomson, Department of Agriculture and Land Stewardship, Wallace State Office Building, 502 East Ninth Street, Des Moines, Iowa 50319; or faxed to (515)281-6236. E-mail comments may be sent to Margaret.Thomson@Iowagriculture.gov.

No waiver provision is included in these proposed amendments. However, the Department’s general waiver provisions, found at 21—Chapter 8, apply.

After analysis and review of this rule making, no impact on jobs has been found.

These amendments are intended to implement Iowa Code section 214A.2.

The following amendments are proposed.

ITEM 1. Amend subrule 85.48(11) as follows:

85.48(11) Ethanol blended gasoline classified as higher than ~~E-10~~ E-15 shall have a visible, legible “for flex fuel vehicle only” sticker on the pump or pump handle.

ITEM 2. Adopt the following new subrule 85.48(12):

85.48(12) Ethanol blended gasoline classified as higher than E-10 and up to E-15 shall have on the pump the federal sticker required by the Environmental Protection Agency in 40 CFR Part 80 published August 25, 2011.

ITEM 3. Amend subrule 85.48(14) as follows:

85.48(14) Octane rating of fuel offered for sale shall be posted on the pump in a conspicuous place. ~~However, no~~ No octane rating shall be posted on the pump for ethanol blended gasoline classified as higher than ~~E-10~~ E-15. Additionally, no octane rating shall be posted on the pump for ethanol blended gasoline classified as higher than E-10 and up to E-15 until the rating is approved pursuant to 16 CFR Part 306 published August 25, 2011.

ITEM 4. Amend rule 21—85.50(214,214A,215) as follows:

21—85.50(214,214A,215) Blender pumps. Motor fuel blender pumps or blender pumps installed or modified after November 1, 2008, which sell both ethanol blended gasoline classified as higher than ~~E-10~~ E-15 and gasoline need to have at least two hoses per pump.

This rule is intended to implement Iowa Code section 214A.2.